



computer element that defines structural and functional interrelationships between the code or logic and the rest of a computer which permit the code or logic's functionality to be realized. As further discussed in MPEP 2106, it is respectfully submitted that this computer readable medium and logic executing at a client, as claimed in amended Claims **38-51, 64-85 and 96-105**, is statutory. Support for these amendments can be found throughout the application as originally filed, including on page 3 at lines 6-16, page 5 at lines 1-10, page 6 at lines 17-21, and page 8 at lines 12-24 of the specification and Figures 1-3 of the drawings. In light of this amendment, withdrawal of the previous rejections to these claims under 35 U.S.C. §101 is respectfully requested.

With particular regard to claims such as amended **Claim 38**, it is respectfully submitted that "computer readable medium" is at least a generic term that is reasonably and adequately conveyed in the specification as originally filed. For example, as noted on page 9, line 23, game client executables are "installed" in a "directory location". Page 21, line 14, of the specification also discusses "downloading" a program that embodies a game client. In light of at least these operations, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would have recognized that various standard components of a client computer, such as a "disk drive" and "random access memory" further noted on page 6, lines 10-16, are involved with enabling the functionality of computer program code to be realized on a client's computer. Accordingly, it is respectfully submitted that this term "computer readable medium" clearly and properly serves as a generic term for such computer components, while also meeting the requirements of both 35 U.S.C. §101 and 35 U.S.C. §112.

#### **VI. Claim Rejections - 35 U.S.C. § 102**

**Claims 1, 8-10, 17-20 and 23-24, 28-32, 33, 35-39, 40-51 and 96-105, and 52-95** were also rejected under 35 U.S.C. 102(e) as being anticipated by Danieli et al, USPN 7,240,093, (hereafter 'Danieli').

With this paper, **Claims 1, 17, 28, 33, 35, 38, 40, 64, 76, 86, and 96** have been amended to further clarify the distinction, and thus grounds for patentability, between the teachings of Danieli and the inventions respectively claimed therein. Particularly, the amendments to these claims further clarify the contents and use of data transferred between an inviter's game client and an invitee's messenger client, as is further respectively presented in these amendments. Support for these amendments can be

In contrast to the claimed inventions represented in at these amended claims, Danieli discloses a system for players to host and join a chat session, which may then be used to launch a game. In col. 3, lines 17-24, Danieli references two types of games and players that are enabled to join a game. These two sets of games and players are “players from a list of contacts provided by the online messaging service to invite to join a game, whereupon a selected game can be launched on all of the players' computers through a single command issued by the host” (col. 3, lines 17-21) and “players with a list of existing chat sessions being hosted by other players so as to enable the players to join games that are already in progress” (col. 3, lines 22-24). With regard how these actions are formally implemented in Danieli, the technical details of the system taught by Danieli are notably distinct from that which might otherwise be construed necessary to anticipate the claimed invention.

With regards to the second game category, a game in progress, Danieli is silent with regards to how a game may be launched for a player trying to join a game in progress. The cited section of column 3, lines 22-23 of Danieli notes that a “list of existing chat sessions” enables such an action, but does not provide additional technical information with regards to how this may actually be performed. Even the belated receipt of an invitation for a potential player, which is received after both MSN messenger and a game utility 30 are running (col. 14, lines 28-35), does not provide indication how “Chuck” is enabled to actually join an ongoing game. Rather, Danieli discloses how the player is accepted to a channel of the chat session, which again, is not the game (col. 14, lines 38-50). Being informed of a game is not equivalent to or suggestive of the details of actually joining a game. In fact, it is respectfully submitted

Finally, it is also noted that the game utility (30) and MSN messenger and of Danieli must be active and launched at each of a host and invited player's machine for the overall system to function (col. 6, lines 1-7). In fact, both applications are indicated as necessary in Danieli for an invited player to even receive an invitation to join a chat session (col. 14, lines 28-35 of Danieli). As such, the operation of this game utility 30 are clearly required in Danieli before a game can be launched, and also before invited players can learn of a chat session which a host, as noted above, may convert into the game instance (col 16, lines 44-50 of Danieli). Such properties clearly do not teach or suggest the claimed "game client" or "invoking the invitee game client using the data", as is further claimed herein and discussed below.

Similarly, **Claim 17** recites “*the data sent from the inviter game client and included in the routed message further comprises a command line and a registry entry to invoke the game client and connect to the game server*”. As noted with regards to Claim 1, Danieli does not teach or suggest “*a command line*” as being “*part of a routed message*” as is further claimed in at least Claim 17. For similar reasons, Danieli does not teach or suggest the claimed “*registry entry*”. Also, the game utility 30 at an invited player’s computer in Danieli cannot be relied upon as equivalent to the claimed “*game client*”, at least so far as such a game client must be initiated at the player’s computer by the player before a chat invitation can also be received by the player (col. 14, lines 28-35). As such, it is respectfully submitted that the

In a manner similar, albeit different, to that of Claim 1, **Claims 28, 33, 35, 38, 40, and 64** have also been amended to further clarify the nature of routed and received data that is related to an invoked activity or game, as is further respectively claimed therein. At least the amended limitations of these claims are also not taught or suggested by the “telephone” communication (col. 10, lines 43-48), the “chat invitation” (col. 14, lines 28-35) and the “automatically launch” (col. 16, lines 44-50) aspects of Danieli. Accordingly, it is respectfully submitted that these claims are also not taught or suggested by Danieli for reasons similar to those presented herein for at least Claims 1 and 17. **Claims 76, 86, and 96** have also been amended herewith to further clarify the nature of the interactions and passing of data between a gaming client and a messaging client, which is also not taught or suggested by the gaming utility 30 of Danieli, which further runs “on top” of MSN Messenger (col. 7, lines 39-45). Accordingly, each of these claims is also not taught or suggested by the disclosure of Danieli. Accordingly, withdrawal of the previous rejections to Claims 28, 33, 35, 38, 40, 64, 76, 86, and 96 under 35 U.S.C. §102(e) is respectfully requested.

{S:\08226\1203348us2\80172295.DOC  }

So far as Claims **8-10, 18-20, 23, 24, 29-32, 36-37, 39, 41-63, 65-75, 77-85, 87-95, and 97-105** depend from amended independent claims or incorporate limitations similar thereto, it is respectfully submitted that these claims are also not taught or suggested for at least the same reasons as further discussed herein with regards to amended Claims 1, 17, 28, 33, 35, 38, 40, 64, 76, 86, and 96. Accordingly, withdrawal of the rejections of these claims under 35 U.S.C. §102(e) is also respectfully requested.

**Claims 1, 17, and 33** are rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1 and 13 of USPN 6,699,125. It is respectfully submitted that the amendments to Claim 1, 17, and 33 presented herein obviate the grounds of this rejection, at least so far as these claims, as amended, are not anticipated or obvious variants of Claims 1 and 13 of USPN 6,699,125. As noted above, the teachings of Danieli neither anticipate nor render obvious at least the amended limitations of these pending claims. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above amendment, applicant's representative believes the pending application is in condition for allowance.

Respectfully submitted,

By John W. Branch/  
John W. Branch  
Registration No.: 41,633  
DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770  
Phone (206) 262-8906 ▪ Fax (212) 527-7701  
Attorneys/Agents For Applicant